

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANTHONY L. TROUPE,

Plaintiff,

Case No. 21-cv-1176-pp

v.

JUDGE MAUREEN MARTINEZ,
JUDGE TIMOTHY BOYLE,
and COMMISSIONER ALICE A. RUDEBUSCH,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO PROCEED
WITHOUT PREPAYING THE FILING FEE ON APPEAL (DKT. NO. 23)**

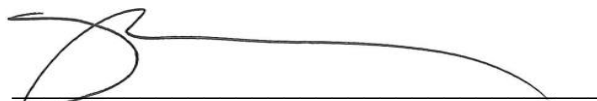
The plaintiff has filed an affidavit seeking permission to appeal without prepaying the appellate filing fee. Dkt. No. 23. The Federal Rules of Appellate Procedure allow a party in a district court case who wants to appeal without prepaying the appellate filing fee to file a motion with an affidavit that: (1) shows the party's inability to pay or to give security for fees and costs; (2) claims an entitlement to relief; and (3) states the issues that the party intends to present on appeal. Fed. R. App. P. 24(a)(1). If the district court allowed the party to proceed without prepaying the filing fee, the party may appeal without prepaying the filing fee unless the district court certifies that the party has not appealed in good faith or that the party is not otherwise entitled to proceed without prepaying the filing fee. Fed. R. App. P. 24(a)(3).

The court granted the plaintiff leave to proceed without prepaying the filing fee at the district court level. Dkt. No. 20. That means that the plaintiff may proceed on appeal without prepaying the filing fee unless the court certifies that the appeal is taken in bad faith. In dismissing the plaintiff's case, the court explained to the plaintiff that he could not pursue his claims for \$12,000,000 because his civil claim would imply the invalidity of his criminal conviction. Id. at 4. The court further explained how the two judges and the court commissioner involved with the plaintiff's state criminal conviction are immune from suit for the actions taken that were judicial in nature. Id. at 5. That said, the threshold for proceeding without prepaying the filing fees on appeal is low. An appeal is taken in bad faith when no reasonable person could suppose that the claim has merit. Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000). While the court found no basis to allow the plaintiff to proceed in this court, it will not certify that the plaintiff is proceeding in bad faith.

The court **GRANTS** the plaintiff's motion to proceed without prepaying the filing fee on appeal. Dkt. No. 23.

Dated in Milwaukee, Wisconsin this 12th day of July, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge